

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

IN RE WESTERN STATES WHOLESALE
NATURAL GAS ANTITRUST
LITIGATION,

MDL Docket No. 1566

Base Case No. 2:03-cv-01431-RCJ-PAL

ORDER

THIS DOCUMENT RELATES TO:
ALL ACTIONS

(Sealed Exhibit 6 – ECF No. 2550-2)

This matter is before the court on Plaintiffs failure to respond to the court's Order (ECF No. 2576) denying without prejudice Defendants' Motion for Leave to File Documents Under Seal (ECF No. 2550) and instructing Plaintiffs to file a memorandum of points and authorities and any supporting declaration or affidavit to make a particularized showing as to why certain documents should remain under seal. *See* Sealed Exhibit 6 (ECF No. 2550-2): October 30, 2009 Reply Declaration of Mark Dwyer, Ph.D. ("2009 Dwyer Declaration"), marked as Exhibit 11004 to the deposition of Mark Dwyer, Ph.D. and prepared in support of Plaintiffs' Motion for Class Certification. The 2009 Dwyer Declaration was filed under seal because counsel for opposing parties designated the documents as confidential. Given the parties' representations that numerous documents no longer required sealing, the court required Plaintiffs to review the 2009 Dwyer Declaration and file by September 28, 2016, either: (i) an appropriate memorandum of points and authorities making a particularized showing why the documents should remain under seal, or (ii) a notice indicating that the documents do not require sealing. *See* Order (ECF No. 2576).

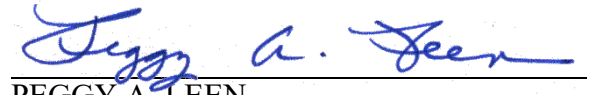
No response was filed and the deadline to do so has now expired. The parties were cautioned that if they failed to timely comply with the Order, the Clerk of the Court would be directed to unseal the documents to make them available on the public docket.

///

1 Accordingly,

2 **IT IS ORDERED** the Clerk of the Court shall UNSEAL Sealed Exhibit 6 (ECF No. 2550-
3 2), the 2009 Dwyer Declaration.

4 Dated this 21st day of February, 2017.

5 
6 PEGGY A. LEEN
7 UNITED STATES MAGISTRATE JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28